

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**Applicant:** Algirdas A. Underys ) **Attention:**  
 )  
**Serial No.:** 08/991,113 ) **Primary Examiner**  
 ) **Wyszomierski**  
**Filing Date:** December 16, 1997 ) **Group 1742**  
 )  
**Title:** **Heat Treatment Method and** )  
 **Apparatus** )

32/E  
W  
10/22/03

The Honorable Commissioner  
of Patents and Trademarks  
Washington, DC 20231

**ON APPEAL**  
**Appeal No. 2001-0359**  
**(Formerly Appeal No. 10,359)**

**AMENDMENT**

Please cancel without prejudice claim 17.

**REMARKS**

This amendment is being submitted concurrently with applicant's brief on appeal. Said brief has been prepared on the assumption that in view of the above requested cancellation claim 17 need not be considered by the Board, and consequently no portion of

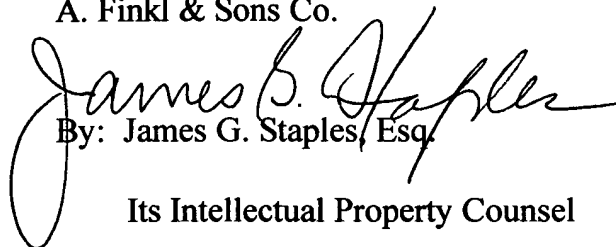
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the brief has been directed to said claim.

Respectfully submitted,

A. Finkl & Sons Co.

  
By: James G. Staples, Esq.

Its Intellectual Property Counsel

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